

BILL NO. Z-84-12-12

ZONING MAP ORDINANCE NO. Z-25-84

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. J-35.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANA:

SECTION 1. That the area described as follows is hereby  
designated a P.O.D. (Professional Office District) under the terms of  
Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter, Section 34, Township 30 North,  
Range 12 East, Allen County, Indiana, lying Northerly of the  
Baer Field Expressway, Project U 377(10), described as follows,  
to-wit:

Commencing at an iron pin set in 1971 on the North 70 feet  
right-of-way line of said Baer Field Expressway at its inter-  
section by a line that is 575 feet East of and parallel to the  
West line of said Quarter Section; thence North 67 degrees  
32 minutes East along said right-of-way line, a distance of  
319.6 feet to an iron pin set (Plan Station 173+00) situated  
70 feet normally distant Northwestward of said Line "B"; thence  
North 65 degrees 56 minutes East along said right-of-way line,  
a distant of 358.35 feet to an iron pin set at a point of curve  
(Plan Station 176+58.25) situated 80 feet normally distant  
Northwestward of said Line "B"; thence Northeasterly along said  
right-of-way line introrsely concentric to the 2 degree 00 minute  
P.R. #3 curve to the left, an arc distance of 623.8 feet to an  
iron pin set (Plan Station 183+00) of which the subtended chord  
bears North 61 degrees 07 minutes East, a distance of 622.5 feet;  
thence North 53 degrees 39 minutes East along said right-of-way  
line, a distance of 292.6 feet to an iron pin set at (Plan  
Station 186+00) as situated 70 feet radially distant Northwestward  
of said Line P.R. #3; thence Northeasterly along said right-of-way  
line and introrsely concentric to the 2 degree 00 minutes P.R. #3  
curve to the left, an arc distance of 406.80 feet to an iron pin  
set at (Station 190+17.0) of which the subtended chord bears  
North 44 degrees 32 minutes East, a distance of 406.1 feet;  
thence South 89 degrees 15 minutes West along an existing line  
fence, a distance of 1697.9 feet to an iron pin found; thence  
South 0 degrees 14 minutes East along an existing line fence,  
a distance of 165.0 feet to an iron pin set; thence South 0  
degrees 40 minutes East, a distance of 844.3 to the poing of  
beginning; Containing 23.43 acres, more or less, of land,

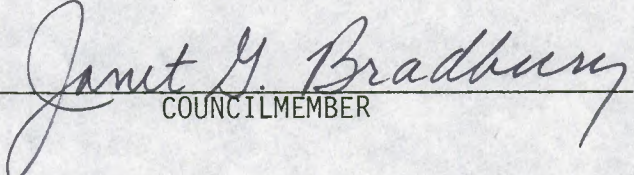
and the symbols of the City of Fort Wayne Zoning Map No. J-35, as established  
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
are hereby changed accordingly.



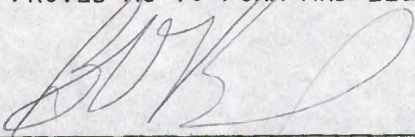
1 Bill No. Z-84-

2 Page two

3  
4 SECTION 2. That this Ordinance shall be in full force and effect  
5 from and after its passage and approval by the Mayor.  
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10 COUNCILMEMBER

11 APPROVED AS TO FORM AND LEGALITY:

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14 BRUCE O. BOXBERGER, CITY ATTORNEY

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FOX RIVER BOND  
25% COTTON



Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S

DATE: 12-11-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>      </u>	<u>      </u>	<u>1</u>	<u>      </u>
<u>BRADBURY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GIAQUINTA</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>✓</u>	<u>      </u>
<u>HENRY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>REDD</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 12-18-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-25-84 on the 18th day of December, 1984.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Ray A. Eboit  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th day of December, 1984, at the hour of 10:00 o'clock A..M.,E.S.T.,

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of December, 1984, at the hour of 2:00 o'clock P..M.,E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



# PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We HBC REALTY CORPORATION  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-B District to a/an P.O.D. District the property described as follows:

Part of the Southwest Quarter, Section 34, Township 30 North, Range 12 East, Allen County, Indiana, lying Northerly of the Baer Field Expressway, Project U 377(10), as further described in Exhibit "A", attached hereto and made a part hereof.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE GIVEN:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

HBC REALTY CORPORATION

1510 Lincoln Bank Tower  
Fort Wayne, Indiana 46802

Theo. E. Hagerman,  
President

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_ (OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Planning Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Planning Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Michael H. Kast  
(Name)

1900 Lincoln Bank Tower  
Fort Wayne, Indiana 46802  
(Address & Zip Code)

423-1430  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



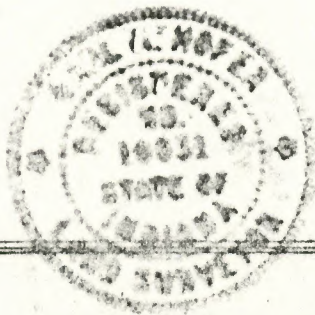
OFFICE OF HOFER AND DAVIS, INC.

CIVIL ENGINEERS & LAND SURVEYORS  
FORT WAYNE, INDIANAA. K. HOFER P.E. No. 72  
(1968) L.S. No. 10504CARL A. HOFER P.E. No. 7122  
L.S. No. 10031WILLIAM S. DAVIS L.S. No. S-0053  
L.S. No. 18114 Michigan

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No. .... Part of the Southwest Quarter, Section 34, Township 30 North, Range 12 East, Allen County, Indiana, lying Northerly of the BAER FIELD EXPRESSWAY, Project U 377(10), described as follows to-wit:

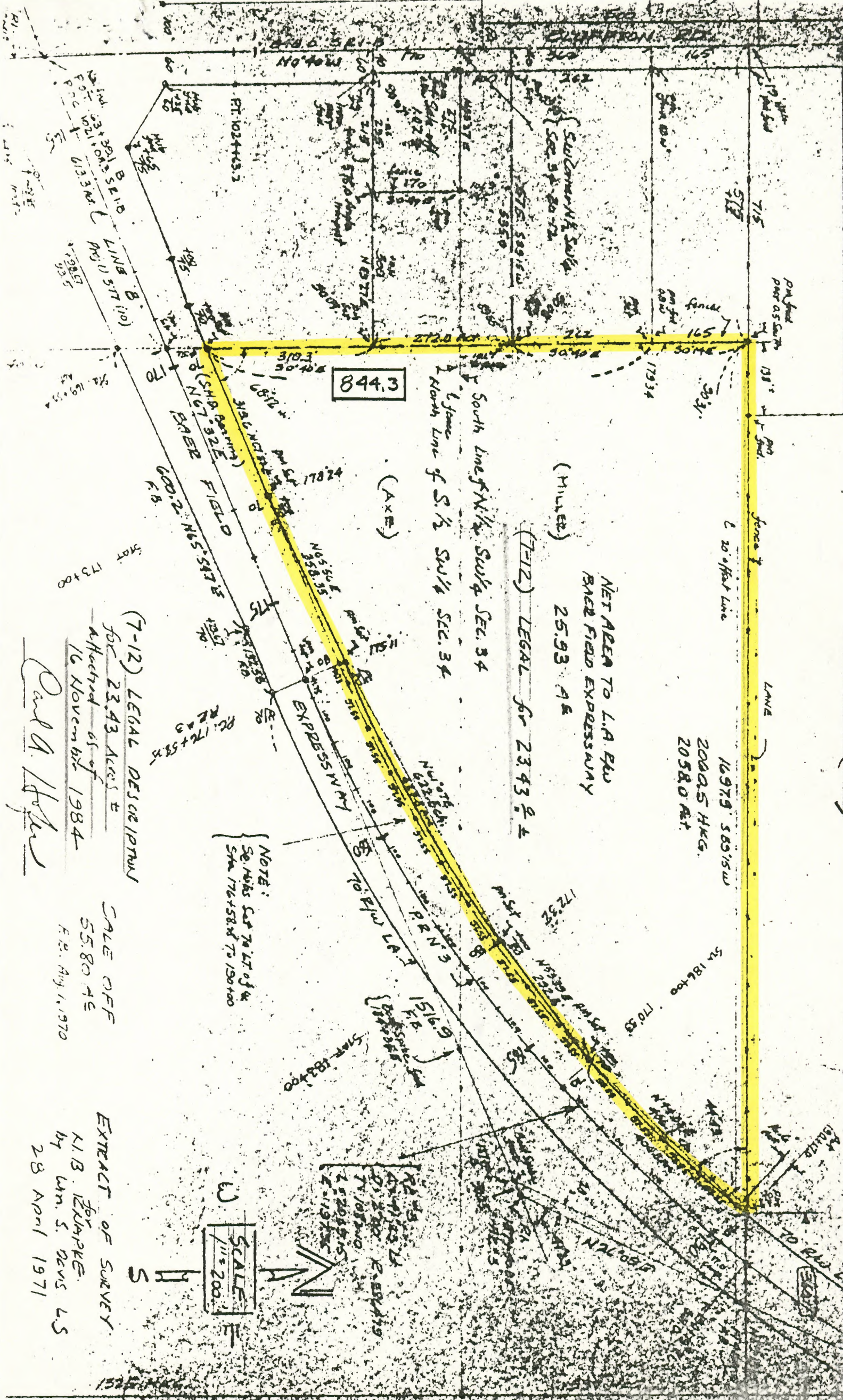
Commencing at an iron pin set in 1971 on the North 70 feet right-of-way line of said BAER FIELD EXPRESSWAY at its intersection by a line that is 575 feet East of and parallel to the West line of said Quarter Section; thence North 67 degrees 32 minutes East along said right-of-way line, a distance of 319.6 feet to an iron pin set (Plan Station 173+00) situated 70 feet normally distant Northwestward of said Line "B"; thence North 65 degrees 56 minutes East along said right-of-way line, a distance of 358.35 feet to an iron pin set at a point of curve (Plan Station 176+58.25) situated 80 feet normally distant Northwestward of said Line "B"; thence Northeasterly along said right-of-way line introrsely concentric to the 2 degree 00 minute P.R. #3 curve to the left, an arc distance of 623.8 feet to an iron pin set (Plan Station 183+00) of which the subtended chord bears North 61 degrees 07 minutes East, a distance of 622.5 feet; thence North 53 degrees 39 minutes East along said right-of-way line, a distance of 292.6 feet to an iron pin set at (Plan Station 186+00) as situated 70 feet radially distant Northwestward of said Line P.R. #3; thence Northeasterly along said right-of-way line and introrsely concentric to the 2 degree 00 minutes P.R. #3 curve to the left, an arc distance of 406.80 feet to an iron pin set at (Station 190+17.0) of which the subtended chord bears North 44 degrees 32 minutes East, a distance of 406.1 feet; thence South 89 degrees 15 minutes West along an existing line fence, a distance of 1697.9 feet to an iron pin found; thence South 0 degrees 14 minutes East along an existing line fence, a distance of 165.0 feet to an iron pin set; thence South 0 degrees 40 minutes East, a distance of 844.3 feet to the point of beginning; Containing 23.43 Acres, more or less, of land.



IN WITNESS WHEREOF, I place my hand and seal, this 16 day of November, 1984

Carl A. Hofer







## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 11, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-12-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 10, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 17, 1984.

Certified and signed this  
18th day of December 1984.



Melvin O. Smith  
Secretary



BILL NO. Z-84-12-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. J-35

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN

Samuel J. Talarico

CHARLES B. REDD

Charles B. Redd

MARK E. GIAQUINTA

JAMES S. STIER

James S. Stier

CONCURRED IN 12-19-84  
SANDRA E. KENNEDY, CITY CLERK



RECEIPT

No 10834

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 11/19 1984

RECEIVED FROM HBC Realty Corp. \$ 50.00  
THE SUM OF fifty ~~00~~ DOLLARS  
ON ACCOUNT OF regring -

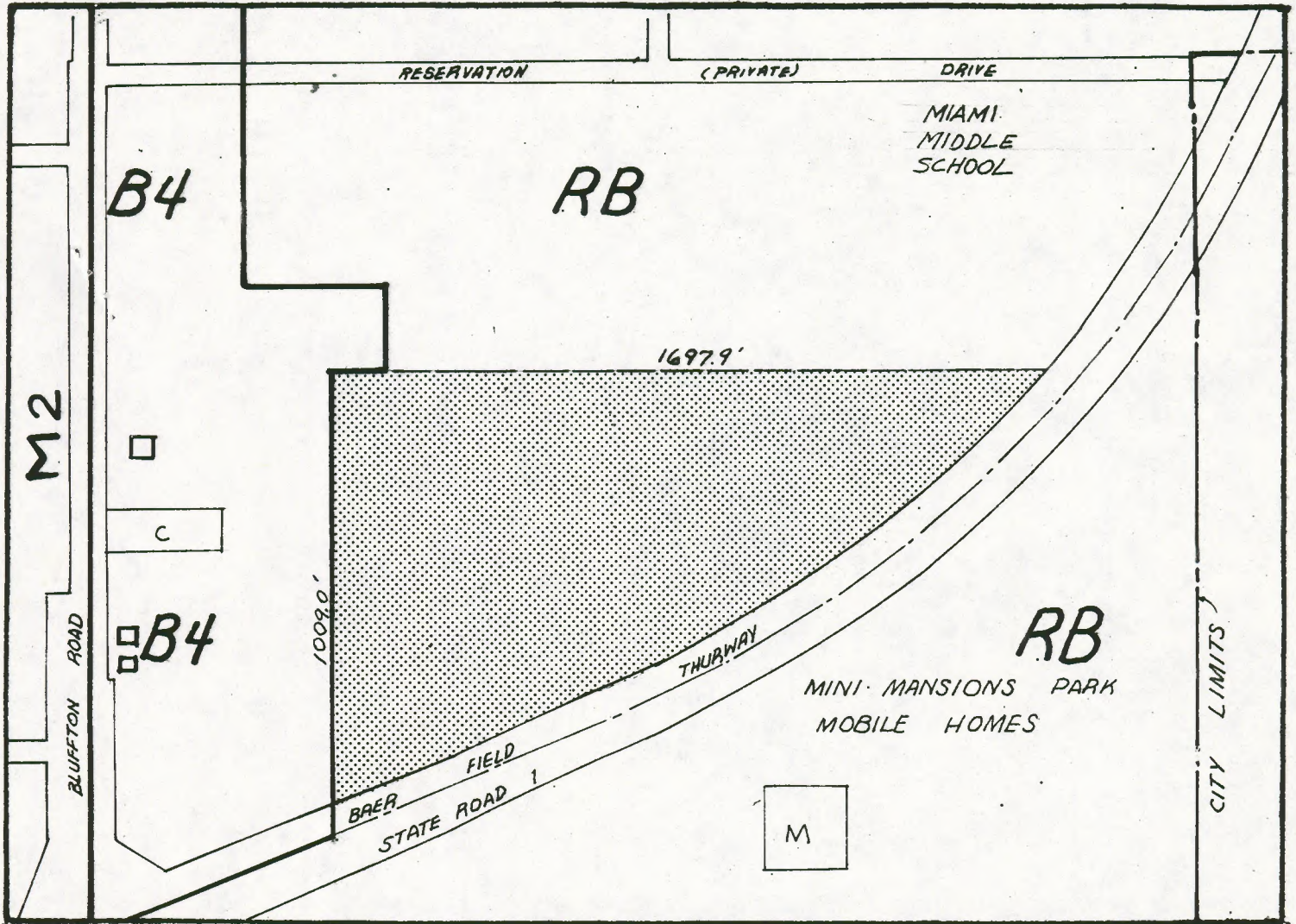
fax B  
AUTHORIZED SIGNATURE



**PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN RB DISTRICT TO A P.O.D.**

MAP NO. J-35

**COUNCILMANIC DISTRICT NO. 4**



**Zoning:**

RB RESIDENCE 'B'  
B4 ROADSIDE BUSINESS  
M2 GENERAL INDUSTRY

**Land Use:**

□ SINGLE FAMILY  
■ MULTIPLE FAMILY  
□ COMMERCIAL

*Z-84-12-12*

Scale: 1" = 400'





# Division of Community Development & Planning

## BRIEF TITLE

Zoning Ordinance Amendment

## APPROVAL DEADLINE REASON

## DETAILS

**Specific Location and/or Address**

A 23.43 acre parcel on the north side of Baer Field Thruway, 500 ft., east of Bluffton Road.

**Reason for Project**

To develop professional offices.

**Discussion (Including relationship to other Council actions)**December 10, 1984 Public Hearing

Ed Beck, attorney for petitioners stated that his client, HBC Realty, wished the rezoning for the purpose of selling a portion of the property to Lincoln Bank for the development of an Operations/Data Center. He stated they intended to but approximately 6.8 acres of the parcel. He stated Lincoln needed to be close to the airport, because of the nature of the business they will be conducting in the facility. He stated that this will employ 29 employees and generate new income, within 3 years, of \$750,000. He stated that EDC Bond approval had already been received and that a hearing was scheduled for the following evening before City Council. He further stated that they felt this was the highest and best use for the property, because it was no longer feasible for residential development.

Duane Embury asked if they were aware that they were in a primary approach zone for Baer Field.

Mr. Beck stated they were, and felt this was another reason that this property was not feasible for residential development.

## POSITIONS

## RECOMMENDATIONS

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	Applicant(s)  HBC Realty, Inc. City Department  Other
<b>Opponents</b>	Groups or Individuals  Basis of Opposition
<b>Staff Recommendation</b>	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against (12-10-84)  Staff amended its recommendation from Denial to Approval on 12/12/84. (SEE ATTACHED)
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS (For Council use only)</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass



# DETAILS

Mr. Embury asked if they had contacted the FAA.

Phil Knapke stated they have not yet, but intended to.

Darrell Blanton asked how far back the entrance would be from the traffic light.

Mr. Beck stated that it would be over 400 ft. north of the intersection of Baer Field Thruway and Bluffton Road. The ingress and egress would be from Bluffton Road.

The representative from Lincoln Bank appeared before the Commission and stated that he was concerned about the rezoning be acted upon and through the Council before the end of the year. He stated that they were under time constraints to have this dealt with before the end of the year.

Ben Eisbart stated that he felt there should be no problem in having this processed before the end of the year.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

December 17, 1984 Business Session

Fred Yoss read the Site Committee Report:

Site Committee concurs with amended staff recommendation of APPROVAL for the following reason:

Office use is appropriate for this location.

## POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No ☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Motion was made by Fred Yoss, seconded by Bob Hutner to recommend approval of the rezoning request to the City Council, motion carried.

Steve Smith disqualified himself from participation in the case.

Project Start

Date November 19, 1984

Projected Completion or Occupancy

Date December 18, 1984

Fact Sheet Prepared by

Date December 18, 1984

Patricia Biancaniello

Reviewed by

Date December 18, 1984

*Darryl Baetjer*  
Reference or Case Number



**Memorandum**

To City Plan Commission Date 12 December 1984  
From V.C. Seth, AICP, Director of Planning  
Subject Change of Zone #105 - From RB to P.O.D.

## COPIES TO:

Phil Knapke

Michael Kast

As the Commission is aware, that portion of the subject property lies within the outer limits of one of the Primary Approach Zones of the Baer Field Airport. An Airport Study was conducted by CD&P sometime in 1982-83 and preliminary findings were presented to the Aviation Board in early 1984 that set out the construction limits in the vicinity of the airport. This study also concluded that an Airport Zone be created, although most of the "Approach" and "Transition" areas in the vicinity of the airport lie within the County.

However, no further work has been done in the area and the current Zoning Ordinance does not have an Airport Zone that may place restrictions as to the uses and heights of buildings.

In light of the fact that this area is subject to aircraft noise, we would suggest that residential uses at this location may not be appropriate and on this basis we would amend our recommendation to approval subject to review and approval of development plan by the Plan Commission.

We would like to point out that during the coming update of the Zoning Ordinance in 1985, the Planning Staff would investigate the possibility of an Airport District that would address permitted uses and height regulations in the vicinity of the airport.

/pb



ORIGINAL

## DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-84-12-12

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE A 23.43 acre parcel, more or less, lying on the north side of Baer Field Thruway and approximately 500 feet east of Bluffton Road.

EFFECT OF PASSAGE Property is now zoned RB - Suburban Residential. Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_